

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2021-000625-001 DT

12/13/2021

HONORABLE MONICA GARFINKEL

CLERK OF THE COURT  
D. Van Hoorn  
Deputy

STATE OF ARIZONA

SAMANTHA L CAPLINGER

v.

DOUGLAS KLINGENBURG (001)

MICHAEL P DENEAL

COMM. GARFINKEL

NON-APPEARANCE INITIAL PRETRIAL CONFERENCE

This is the time set for a non-appearance Initial Pretrial Conference.

IT IS ORDERED that Defense counsel advise their client of all future hearing dates.

The parties have filed an Initial Pretrial Conference Statement.

The Court finds/orders as follows:

The State has filed notices as required by Rule 15.1(b).

The State has provided/made available the objects required by Rule 15.1(b).

The Defense has filed notices as required by Rule 15.2(b) and 15.2(c).

Any request to extend the deadline set this date must be done pursuant to Rule 15.6(d).  
Failure to request an extension may result in the preclusion of the evidence.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2021-000625-001 DT

12/13/2021

Settlement conferences may be scheduled by contacting Settlement Conference on Demand program at [settlement@superiorcourt.maricopa.gov](mailto:settlement@superiorcourt.maricopa.gov), by phone at (602) 506-4538 or a criminal division directly.

IT IS ORDERED that pursuant to Rule 17.4(a) that counsel with authority to settle the case participate in a good faith discussion with the settlement court regarding a non-jury or no-trial resolution which conforms to the interests of justice.

Parties may schedule a change of plea proceeding at any time by contacting the Plea on Demand program at [settlement@superiorcourt.maricopa.gov](mailto:settlement@superiorcourt.maricopa.gov), or by phone at (602) 506-4538.

IT IS FURTHER ORDERED that counsel for Defendant shall conduct a conflicts check for all potential witnesses listed by the State, and if necessary counsel for Defendant shall file a Motion to Withdraw.

IT IS ORDERED affirming a Comprehensive Pretrial Conference for 01/18/2022 at 8:30 a.m. before Judge Green.

IT IS ORDERED that the attorneys for both the State and Defense be prepared to provide the court with the following information at the Comprehensive Pretrial Conference (CPTC):

A. The status of plea negotiations. This includes whether or not the State has tendered an offer; if so, when it expires; if a settlement conference was held or currently scheduled; and whether or not a Donald advisement is required.

B. The status of disclosure by both the State and Defense. This includes what discovery has been disclosed and what discovery still needs to be disclosed. If any discovery is left undisclosed, it is required that all parties comply with Rule 15.6 and provide appropriate affidavits.

C. The expected number of trial days.

D. The number of trial witnesses specifically identifying out of town witnesses and expert witnesses.

E. The status of interviews, identifying the number of remaining witness interviews. This includes how many interviews have been conducted and how many are left to complete.

F. Whether an interpreter is required for a witness, the defendant or both.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2021-000625-001 DT

12/13/2021

- G. The number of trial jurors required and recommended number of alternates.
- H. Whether the State is requesting an aggravating factors jury trial.
- I. Whether any special jury instructions are requested.
- J. Whether a lesser-included offense is requested.
- K. Whether substantive motions will be filed.
- L. Whether motions in limine are anticipated.

IT IS ORDERED that a party seeking a witness deposition must file a written motion at least two days before the CPTC date.

**MOTIONS IN LIMINE:**

Any motions in limine shall be filed twenty (20) days before Final Trial Management Conference (FTMC) and such motions must meet the test of State v. Superior Court, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a motion in limine may be filed no later than ten (10) days thereafter. The Court may rule on the motions in limine without oral argument. If the Court wishes to hear argument, the argument may be heard at the FTMC.

**PRETRIAL MOTIONS:**

All pretrial motions must be filed in writing thirty (30) days before the FTMC. All motions must comply with Rule 35.1 including setting forth a sufficient factual basis for the motion. Failure to file a sufficient motion may result in the motion being denied without evidentiary hearing. See: Rule 16.1[c] Rule 16.2[b]; State v. Anaya 170 Ariz. 436, 443 (1997); State v. Wilson 164 Ariz. 406, 407 (1990) and State v. Alvarado 121 Ariz. 485, 487 (1979).

For master calendar cases, a copy of all pretrial motions shall be submitted to this division for proper routing. For all other cases, a copy of all pretrial motions shall be submitted to the assigned trial judge.

IT IS ORDERED affirming Final Trial Management Conference (FTMC) for 03/01/2022 at 8:30 a.m. before Judge Green.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2021-000625-001 DT

12/13/2021

IT IS ORDERED affirming Trial Assignment on 03/29/2022 at 9:00 a.m. before the Master Calendar Assignment Judge. The Trial Assignment will be a Court Connect videoconference held using the Microsoft Teams platform. The purpose of the hearing is to set future dates for (1) the Trial Procedure Conference, (2) the Trial Status Conference, and (3) the Firm Trial Date.

The Court waives the presence of any defendant represented by an attorney at the Trial Assignment hearing. Self-represented litigants shall appear by videoconference following the directions below. If a self-represented litigant is in custody at the time of the Final Trial Management Conference (FTMC), this division will notify the Assignment Judge's division so that the defendant can be transported to SCT 5B to participate in the videoconference.

The Assignment Judge's division will email parties instructions and a link to join the Court Connect videoconference (for more information, visit <https://superiorcourt.maricopa.gov/court-connect/>). A hearing participant can also join by telephone by dialing 917-781-4590 and entering Access Code 103 815 458# Counsel of record are ordered to appear via videoconference with their webcams enabled.

Last Day: 04/29/2022 (0 DAYS EXCLUDED)

The trial date shall not be continued unless a written motion to continue is filed with the master calendar assignment judge at least 5 days before the trial. A continuance will not be granted unless the motion shows that extraordinary circumstances exist. (Rule 8.5, rules of criminal procedure and guidelines thereto.)

Defendants seeking reconsideration rulings of the Court on a Motion to Modify Release conditions or a Motion for Rule 11, said motion shall be done by a Motion for Reconsideration. All Motions for Reconsideration, however denominated, shall be submitted without oral argument or without response or reply. No Motion for Reconsideration shall be granted without the Court granting an opportunity for a Response.

IT IS FURTHER ORDERED affirming prior release orders.

Notice: If an interpreter is needed for a victim or a witness for any hearing, counsel must notify the Court 48 hours in advance of the scheduled hearing. (Ten business days for any language other than Spanish).

**FOR ALL IN-PERSON APPEARANCES: Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2021-109 and the Maricopa County Superior Court Administrative Order 2021-119 require all individuals entering a court facility in Maricopa County to wear a mask or face covering at all times that they are**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2021-000625-001 DT

12/13/2021

**inside the facility. Any person who refuses to wear a mask or face covering as directed by court personnel will be denied access to the facility. If a participant is denied physical access to a courthouse for refusing to wear a face covering, the participant must contact the assigned judicial division to determine whether the person can participate in the proceeding using an audio or video connection.**